

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: NORTHERN NATURAL GAS COMPANY	DOCKET NO. WRU-99-35-233
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ORDER GRANTING CONDITIONAL WAIVER

(Issued September 15, 1999)

On August 26, 1999, Northern Natural Gas Company (Northern) filed an application with the Utilities Board (Board) for waiver of IOWA CODE § 479A.14(9), which provides that a land restoration plan be filed with the Board prior to initiation of pipeline construction. This code provision was passed in the last legislative session and is effective as of June 1, 1999. No objections to the waiver request were filed.

Northern proposes to abandon and remove two segments of 1930's vintage pipeline in Hancock and Mills counties. The pipeline in Mills County extends in to Nebraska. The lines are being abandoned because of corrosion or leakage at bolted joints. The Federal Energy Regulatory Commission (FERC) approved the abandonment by order issued June 17, 1999. As part of its review, FERC prepared an environmental assessment and its order requires Northern to follow certain construction procedures and mitigation measures. The Board filed comments in the FERC docket.

IOWA CODE § 479A.14(9) allows the Board to waive the filing of a land restoration plan "to the extent an environmental impact statement addressing the land restoration subjects in subsection 1 was prepared by the federal energy regulatory commission." For purposes of this subsection, there is no difference between new construction and removal of previously-constructed pipeline. IOWA CODE § 479A.14(11).

The FERC environmental assessment and mitigation measures satisfy, for purposes of this waiver request, the requirements of IOWA CODE 479A.14. The environmental assessment and mitigation measures adequately address most of the land restoration issues contained in IOWA CODE § 479A.14(1), such as topsoil separation and replacement, removal of rocks and debris from the right-of-way, and restoration of land slope and contour. However, the FERC environmental assessment and mitigation measures do not adequately address one statutorily enumerated subject, construction in wet conditions. Therefore, the Board will grant the waiver, but will require that construction in wet soil conditions not commence or continue at times when or locations where the passage of construction equipment may cause rutting to the extent that topsoil and subsoil are mixed.

IT IS THEREFORE ORDERED:

1. The application for waiver filed by Northern Natural Gas Company on August 26, 1999, is granted, subject to Northern's compliance with ordering clause number 2.

2. Northern shall not commence or continue construction in wet soil conditions at times when or locations where the passage of construction equipment may cause rutting to the extent that topsoil and subsoil are mixed.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper
Executive Secretary, Deputy

/s/ Diane Munns

Dated at Des Moines, Iowa, this 15th day of September, 1999.